



## **STATE OF WISCONSIN – JUDICIAL COUNCIL**

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### **AGENDA**

#### **WISCONSIN JUDICIAL COUNCIL**

**FEBRUARY 19, 2021 – 9:00 A.M.**

**CONDUCTED ONLY BY ZOOM**

**MADISON, WISCONSIN**

**This meeting of the Council is being hosted by Scott Kelly, Chief of Staff of Senator Wanggaard. He has provided the following login information:**

**On 2/19/21 at 9 a.m., join Council Zoom Meeting using the following URL:  
<https://zoom.us/j/93826787757><sup>1</sup> There is no password.**

**We want to thank Senator Wanggaard and Scott Kelly for their help. Please note the Public Notice at the end of this Agenda. Members of the public will be permitted to attend this meeting but must agree to refrain from disrupting the meeting in any. If anyone is unsure how to sign into the meeting, please email Bill Gleisner ([gleisnerwilliam@gmail.com](mailto:gleisnerwilliam@gmail.com)) or call him at 414-651-3182..**

- I. Roll Call and approval of the January 15, 2021 Minutes.
- II. Report from Adam Stevenson concerning his outreach to the Governor regarding our budget submission. .
- III. Returning to projects which the Council could undertake in the future, I

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<sup>1</sup> Scott has provided the following additional information concerning the Zoom meeting:

Meeting ID: 938 2678 7757

One tap mobile

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wish to acquaint the membership with work projects which we have addressed in the past. We have always striven to model our state rules of procedure and evidence on the same or similar federal counterpart. There are several reasons for this, principal among which are the following: 1) If we model our rules on the federal counterparts, we can make use of the extensive studies and hearings conducted by the United States Judicial Conference and its various advisory committees that led to the adoption of the federal rules. 2) IF a state rule is close to or identical to a federal rule, then the Bench and Bar can use the usual extensive federal precedents available to interpret a federal rule in applying our counterpart state rule.

It has been some time since this Council has conducted a review of state vs. federal rules, but historically we used to do this on a regular basis. I am attaching a 2009 memo from Evidence Professor Blinka of the Marquette Law School, comparing state rules of evidence with federal rules of evidence, together with suggestions which Professor Blinka made as to the difference between the Wisconsin rule and the federal counterpart. We sued this and subsequent updates from Professor Blinka over several years to review and improve our rules of evidence. Perhaps it is time to revisit our Wisconsin rules of evidence and determine how they differ from the federal rules of evidence today.

I am also attaching a memo I did in 2017 comparing Wisconsin rules on spoliation with federal rules on spoliation. We have never acted on this memo, but it might be a good idea to consider studying the making of appropriate changes to Wisconsin rules on spoliation.

#### IV. Committee Reports.

(a) Evidence & Civil Procedure Committee.

(b) Criminal Procedure Committee.

(c) Appellate Procedure Committee.

#### V. Adjournment.

### **PUBLIC NOTICE**

All meetings of the Judicial Council and its committees are open to the public. The Council's January 15, 2021 meeting will be conducted by Zoom. Members of the public are welcome to join the meeting by using the URL which is set forth above, namely <https://zoom.us/j/93826787757>. However, members of the public must supply their name before they will be granted admission. In addition, the mikes of the public participants will be muted. If any member of the public disrupts the meeting in any way, they will be removed from the meeting and will be barred from readmission.

For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or [gleisnerwilliam@gmail.com](mailto:gleisnerwilliam@gmail.com).